



Howrey Docket No.: 04813.0031.NPUS00
MP Ref. No.: M26.NPR.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Jeffrey A. Colborn

Application No.: 10/085,477

Filed: February 26, 2002

For: **METHOD OF AND SYSTEM FOR
COOLING A BACKUP POWER
SYSTEM**

Art Unit: 1745

Examiner: Dah Wei D. Yuan

TRANSMITTAL OF RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

- Response to Office Action; and
- Postcard

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached hereto) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 2, 2004
Date of Deposit

Robin L. Clow
Name of Person Mailing Paper

R. Clow
Signature of Person Mailing Paper

Applicant believes no fees are due in connection with this transmittal. However, if any fees are in fact due, the Commissioner is hereby authorized to be charged to our Deposit Account No. **08-3038** referencing Docket No. **04813.0031.NPSU00**.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. **08-3038** referencing Docket No. **04813.0031.NPUS00**.

Respectfully submitted,

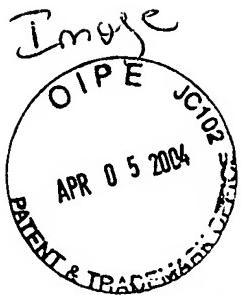
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Date: April 2, 2004

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is Applicants' Response to the Office Action mailed March 5, 2004. In the Office Action, the Examiner has issued a restriction requirement, requiring restriction to one of the following three inventions: Group I claims 1-16, 23-26 and 30, drawn to a cooling system, classified in class 62, subclass 271+; Group II claims 17-22, drawn to a method of cooling a backup power system, classified in class 429, subclass 12; and Group III claims 27-29, drawn to a backup power system, classified in class 290, subclass 1.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

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Applicant hereby provisionally elects, with traverse, Group II claims 17-22. The election is made with traverse since, Applicant respectfully submits, it would not be practical to operate the backup power system of the Group III claims without a cooling system. Therefore, the requirements of MPEP §§ 806.04 and 808.01, cited by the Examiner, are not met. Applicant's election of the Group II claims is also made with traverse because, Applicant submits, the two distinct cooling systems recited (i) in claims 1-16, 23-26, and (ii) claim 30, are merely different embodiments of the same invention, and therefore not materially different apparatus. Therefore, the requirements of MPEP §806.05(e), cited by the Examiner, are not met.

Applicant does not believe that any fees are owed with this response. If in fact any fees are owed, please charge the same to our deposit account number **08-3038** referencing Howrey docket number 04813.0031.NPUS00.

Respectfully submitted,

Date: April 2, 2004

Sean D. Burdick
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